

**U.S. District Court
Eastern District of New York (Central Islip)
CIVIL DOCKET FOR CASE #: 2:14-cv-06055-JS-AYS**

Buckley et al v. Amos et al
Assigned to: Judge Joanna Seybert
Referred to: Magistrate Judge Anne Y. Shields
Cause: 05:552 Freedom of Information Act

Date Filed: 10/15/2014
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Gregory Buckley, Sr.

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Plaintiff

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Michael J. Bowe
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V.

Defendant

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Defendant

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Defendant

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The United States Department of the Navy

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Defendant

The United States Naval Criminal Investigative Service

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Date Filed	#	Docket Text
10/15/2014	<u>1</u>	COMPLAINT against General James F. Amos, The United States Department of Defense, The United States Department of the Navy, The United States Marine Corps, The United States Naval Criminal Investigative Service filing fee \$ 400, receipt number 0207-7266931 Was the Disclosure Statement on Civil Cover Sheet completed –Yes,, filed by Gregory Buckley Sr., Mary Liz Grosseto. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Proposed Summons) (Tabaksblat, Lauren) (Entered: 10/15/2014)
10/16/2014		This attorney case opening filing has been checked for quality control. The following corrections were made: corrected parties Buckley and Amos, removed party text, short title corrected, arbitration code changed to blank. (McMorrow, Karen) (Entered: 10/16/2014)
10/16/2014		Case assigned to Judge Joanna Seybert and Magistrate Judge Arlene R. Lindsay. (McMorrow, Karen) (Entered: 10/16/2014)
10/16/2014	<u>2</u>	In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that <i>if</i> all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically only if all parties wish to consent. The form may also be accessed at the following link: http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf . You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent. (McMorrow, Karen) (Entered: 10/16/2014)
10/24/2014		Notice: The proposed summons attached to doc. #1 cannot be issued in its present form. Counsel has been informed to submit a corrected proposed summons. (Mahon, Cinthia) (Entered: 10/24/2014)
10/24/2014	<u>3</u>	Summons Issued as to James F. Amos, The United States Department of Defense, The United States Department of the Navy, The United States Marine Corps, The United States Naval Criminal Investigative Service, U.S. Attorney and U.S. Attorney General. (Attachments: #(1) Rider A) (Mahon, Cinthia) (Entered: 10/24/2014)
11/07/2014	<u>4</u>	SUMMONS Returned Executed by Gregory Buckley, Sr, Mary Liz Grosseto. James F. Amos served on 10/29/2014, answer due 12/29/2014; The United States Department of Defense served on 10/29/2014, answer due 12/29/2014; The United States Department of the Navy served on 10/29/2014, answer due 12/29/2014; The United States Marine Corps served on 10/29/2014, answer due 12/29/2014; The United States Naval Criminal Investigative Service served on 10/29/2014, answer due 12/29/2014. (Tabaksblat, Lauren) (Entered: 11/07/2014)

11/19/2014	<u>5</u>	NOTICE of Appearance by Elliot M. Schachner on behalf of All Defendants (aty to be noticed) (Schachner, Elliot) (Entered: 11/19/2014)
11/26/2014	<u>6</u>	MOTION for Extension of Time to File Answer <i>Filed and dated November 26, 2014.</i> by James F. Amos. (Schachner, Elliot) (Entered: 11/26/2014)
12/05/2014		ORDER granting <u>6</u> : Defendants' request that their time to answer or otherwise move with respect to the complaint be extended to January 9, 2015, which Plaintiffs have not opposed, is granted. Ordered by Magistrate Judge Arlene R. Lindsay on 12/5/2014. (Lanin, Debbie) (Entered: 12/05/2014)
01/09/2015	<u>7</u>	NOTICE OF MOTION TO DISMISS by James F. Amos, The United States Department of Defense, The United States Department of the Navy, The United States Marine Corps, The United States Naval Criminal Investigative Service <i>Notice of Motion</i> (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration Lieutenant Griffin Farris) (Schachner, Elliot) Modified on 1/12/2015 to convert event to motion type. (Valle, Christine). (Entered: 01/09/2015)
01/21/2015	<u>8</u>	Letter MOTION for Extension of Time to File Response/Reply by Gregory Buckley, Sr, Mary Liz Grosseto. (Bowe, Michael) (Entered: 01/21/2015)
01/22/2015		ORDER granting <u>8</u> Motion for Extension of Time to File Response/Reply. Plaintiff's motion to enlarge the briefing schedule is GRANTED. Plaintiff's opposition shall be filed on or before February 23, 2015. Defendant's reply papers, if any, shall be filed on or before March 20, 2015. Ordered by Judge Joanna Seybert on 1/22/2015. (Hawkins, Theodore) (Entered: 01/22/2015)
02/23/2015	<u>9</u>	MEMORANDUM in Opposition re <u>7</u> MOTION to Dismiss / <i>Plaintiff's Memorandum of Law in Opposition to Defendants' Motion to Dismiss</i> filed by Gregory Buckley, Sr, Mary Liz Grosseto. (Bowe, Michael) (Entered: 02/23/2015)
03/19/2015	<u>10</u>	REPLY in Support <i>Reply Memorandum in Further Support of Motion to Dismiss</i> filed by All Defendants. (Attachments: # <u>1</u> Declarations and Exhibits) (Schachner, Elliot) (Entered: 03/19/2015)
03/27/2015		Case Reassigned to Magistrate Judge Anne Y. Shields. Magistrate Judge Arlene R. Lindsay no longer assigned to the case. (Mahoney, Brenna) (Entered: 03/27/2015)
10/16/2015	<u>11</u>	MEMORANDUM & ORDER Denying <u>7</u> Motion to Dismiss: For the foregoing reasons (PLEASE SEE ORDER FOR FURTHER DETAILS), Defendants motion to dismiss (Docket Entry 7) is DENIED. However, Plaintiffs are directed to file an Amended Complaint within forty-five (45) days of the date of this Memorandum and Order. If Plaintiffs fail to do so, Defendants may begin the summary judgment process by serving a Local Civil Rule 56.1 statement on Plaintiffs. Ordered by Judge Joanna Seybert on 10/16/2015. (Ortiz, Grisel) (Entered: 10/16/2015)
11/30/2015	<u>12</u>	AMENDED COMPLAINT against James F. Amos, The United States Department of Defense, The United States Department of the Navy, The United States Marine Corps, The United States Naval Criminal Investigative Service, filed by Gregory Buckley, Sr, Mary Liz Grosseto. (Bowe, Michael) (Entered: 11/30/2015)
12/14/2015	<u>13</u>	ANSWER to <u>12</u> Amended Complaint, by James F. Amos, The United States Department of Defense, The United States Department of the Navy, The United States Marine Corps, The United States Naval Criminal Investigative Service. (Schachner, Elliot) (Entered: 12/14/2015)
08/16/2016	<u>14</u>	ORDER: Initial Conference set for 9/7/2016 in Courtroom 830 before Magistrate Judge Anne Y. Shields. See Order and Attachment. Ordered by Magistrate Judge Anne Y. Shields on 8/16/2016. (Attachments: # <u>1</u> AYS Rules) (Torres, Jasmine) (Entered: 08/16/2016)
09/01/2016	<u>15</u>	MOTION to Amend/Correct/Supplement <i>Initial Conference Order</i> by James F. Amos, The United States Department of Defense, The United States Department of the Navy, The United States Marine Corps, The United States Naval Criminal Investigative Service. (Schachner, Elliot) (Entered: 09/01/2016)
09/01/2016		ELECTRONIC ORDER granting <u>15</u> Motion to Amend/Correct/Supplement. Defendants' request to forego with submitting a proposed discovery plan worksheet after conferring with Plaintiffs' counsel in preparation for the initial conference is

		GRANTED. However, the initial conference shall go forward as scheduled on September 7, 2016 at 10:30 AM in courtroom 830 of the Central Islip courthouse. So Ordered by Magistrate Judge Anne Y. Shields on 9/1/2016. (Demosthenous, Dina) (Entered: 09/01/2016)
09/01/2016		ELECTRONIC SCHEDULING ORDER: The intial conference scheduled for September 7, 2016 is ADJOURNED to October 5, 2016 at 11:30 AM in courtroom 830 of the Central Islip courthouse. So Ordered by Magistrate Judge Anne Y. Shields on 9/1/2016. (Demosthenous, Dina) (Entered: 09/01/2016)
10/05/2016	<u>16</u>	Minute Order for proceedings held before Magistrate Judge Anne Y. Shields:Initial Conference Hearing held on 10/5/2016. See Minute Order for details. So Ordered by Magistrate Judge Anne Y. Shields. (Tape #12:24–12:37.) (Torres, Jasmine) (Entered: 10/07/2016)
11/03/2016	<u>17</u>	Letter MOTION for Extension of Time to File <i>Rule 56.1 Counter–Statement</i> by Gregory Buckley, Sr, Mary Liz Grosseto. (Bowe, Michael) (Entered: 11/03/2016)
11/03/2016		ELECTRONIC ORDER granting <u>17</u> Motion for Extension of Time to File. The parties' request for an extension of time file their 56.1 statements is GRANTED.. So Ordered by Magistrate Judge Anne Y. Shields on 11/3/2016. (Demosthenous, Dina) (Entered: 11/03/2016)
11/28/2016	<u>18</u>	MOTION for pre motion conference (<i>summary judgment</i>) by James F. Amos, The United States Department of Defense, The United States Department of the Navy, The United States Marine Corps, The United States Naval Criminal Investigative Service. (Attachments: # <u>1</u> Appendix Rule 56.1 Statement, # <u>2</u> Appendix Rule 56.1 Counterstatement) (Schachner, Elliot) (Entered: 11/28/2016)
12/05/2016	<u>19</u>	Letter dated 12/5/16 from Michael Bowe to Judge Seybert responding to the defendants' pre-motion letter to the court requesting leave to file a summary judgment motion by Gregory Buckley, Sr, Mary Liz Grosseto (Bowe, Michael) (Entered: 12/05/2016)
12/22/2016		ELECTRONIC SCHEDULING ORDER: An in–person discovery conference has been scheduled for January 11, 2017 at 10:30 AM in courtroom 830. So Ordered by Magistrate Judge Anne Y. Shields on 12/22/2016. (Demosthenous, Dina) (Entered: 12/22/2016)
12/28/2016		ELECTRONIC ORDER deferring ruling on <u>18</u> Motion for Pre Motion Conference. The Court DEFERS decision on Defendants' motion for a pre–motion conference regarding their anticipated motion for summary judgment (Docket Entry 18) until after the discovery conference scheduled for January 11, 2017 before Judge Shields. Ordered by Judge Joanna Seybert on 12/28/2016. (Edwards, Tracy) (Entered: 12/28/2016)
01/11/2017		PRETRIAL ORDER re <u>18</u> <u>19</u> The parties have agreed to hold an in–person meeting to discuss Plaintiffs requests for information in this case. So that the meeting will be fruitful, Plaintiffs counsel has agreed to submit a letter to defense counsel by January 18, 2017, setting forth the areas of inquiry and the specific name (if known) or character of the documents that Plaintiffs seek in this case. Defense counsel is granted 60 days (until March 13, 2017) in which to review that request so that a person or person(s) with knowledge can attend the meeting. The meeting shall be scheduled at the convenience of the parties and witness(es) and shall take place no later than April 7, 2017. Two weeks after the meeting is held, counsel shall submit a joint status letter to this Court detailing the parties positions as to how this matter will proceed. In the event that this matter is not resolved as a result of the meeting, defense counsel shall identify a witness for deposition. It is expected that the parties will be aware of the matters of inquiry as to which that witness shall be aware. Defendant shall have the option of producing one or more witnesses with knowledge. Two weeks after the deposition, counsel shall provide this court with a further joint status letter. In the event that this matter has not been resolved, counsel shall set forth their respective positions regarding the next steps in this litigation. Defense counsel has agreed to withdraw the pending motion for permission to move for summary judgment (docket entry No. 18 herein), without prejudice to a renewed request upon a more developed factual record. So Ordered by Magistrate Judge Anne Y. Shields on 1/11/2017. (Shields, Anne) (Entered: 01/11/2017)

01/11/2017	<u>20</u>	Minute Entry for proceedings held before Magistrate Judge Anne Y. Shields:Discovery Hearing held on 1/11/2017. (Tape #10:53–10:58.) (Torres, Jasmine) (Entered: 01/12/2017)
01/19/2017	<u>21</u>	RESPONSE to Motion re <u>18</u> MOTION for pre motion conference (<i>summary judgment</i>) (<i>withdrawing motion, without prejudice, and with leave to renew</i>) filed by James F. Amos, The United States Department of Defense, The United States Department of the Navy, The United States Marine Corps, The United States Naval Criminal Investigative Service. (Schachner, Elliot) (Entered: 01/19/2017)
01/20/2017	<u>22</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on January 11, 2017, before Judge Magistrate Judge Anne Y. Shields. Transcriber Transcriptions Pluss II, Inc, Telephone number 917-945-1549. Email address: laferrara44@gmail.com. Transcript may be viewed at the court public terminal or purchased through the Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/10/2017. Redacted Transcript Deadline set for 2/20/2017. Release of Transcript Restriction set for 4/20/2017. (Kanellopoulos, John) (Entered: 01/20/2017)
01/20/2017		ELECTRONIC ORDER withdrawing <u>18</u> Motion for Pre Motion Conference. Per Defendants' letter dated January 19, 2017 (Docket Entry 21), Defendants' motion for a pre-motion conference (Docket Entry 18) is deemed WITHDRAWN without prejudice and with leave to renew. Ordered by Judge Joanna Seybert on 1/20/2017. (Edwards, Tracy) (Entered: 01/20/2017)
03/13/2017		ELECTRONIC ORDER. This Court's 1/11/2017 Order re <u>18</u> and <u>19</u> , in which the Court directed that the in-person meeting to discuss Plaintiffs' requests for information in this case was to take place by April 7, 2017, is STAYED pending forthcoming motion practice to the undersigned, by the parties, regarding a discovery dispute. So Ordered by Magistrate Judge Anne Y. Shields on 3/13/2017. (Demosthenous, Dina) (Entered: 03/13/2017)
03/17/2017	<u>23</u>	Letter MOTION for Discovery / <i>Setting briefing schedule on plaintiffs' discovery motion</i> by Gregory Buckley, Sr, Mary Liz Grosseto. (Bowe, Michael) (Entered: 03/17/2017)
03/20/2017		ELECTRONIC ORDER granting <u>23</u> Motion for Discovery. The parties' proposed briefing schedule is hereby SO ORDERED. The parties are reminded that the undersigned follows the "bundle" rule, thus, no motion papers shall be filed or docketed with this Court until the motion is fully briefed. So Ordered by Magistrate Judge Anne Y. Shields on 3/20/2017. (Demosthenous, Dina) (Entered: 03/20/2017)
04/17/2017	<u>24</u>	NOTICE of Change of Firm Name to Kasowitz Benson Torres LLP by Michael J. Bowe (Bowe, Michael) (Entered: 04/17/2017)
04/18/2017	<u>25</u>	Letter MOTION for Discovery / <i>Setting briefing schedule on plaintiffs' discovery motion</i> by Gregory Buckley, Sr, Mary Liz Grosseto. (Bowe, Michael) (Entered: 04/18/2017)
04/19/2017		ELECTRONIC ORDER granting <u>25</u> Motion for Discovery. The parties' proposed amended briefing schedule is hereby SO ORDERED. So Ordered by Magistrate Judge Anne Y. Shields on 4/19/2017. (Demosthenous, Dina) (Entered: 04/19/2017)
04/28/2017	<u>26</u>	Letter from Michael J. Bowe to Magistrate Judge Shields dated April 28, 2017 enclosing Cover Letter from Michael J. Bowe to Elliot M. Schachner Re: Motion to Compel by Gregory Buckley, Sr, Mary Liz Grosseto (Attachments: # <u>1</u> Exhibit Cover Letter from Michael J. Bowe to Elliot M. Schachner Re: Motion to Compel) (Bowen, Michael) (Entered: 04/28/2017)
05/12/2017	<u>27</u>	Consent MOTION to Amend/Correct/Supplement <i>briefing schedule on motion to compel discovery</i> by James F. Amos, The United States Department of Defense, The United States Department of the Navy, The United States Marine Corps, The United States Naval Criminal Investigative Service. (Schachner, Elliot) (Entered: 05/12/2017)
05/15/2017		ELECTRONIC ORDER granting <u>27</u> Motion to Amend/Correct/Supplement. Defendants' request to modify the briefing schedule is GRANTED. So Ordered by Magistrate Judge Anne Y. Shields on 5/15/2017. (Demosthenous, Dina) (Entered: 05/15/2017)

07/28/2017	<u>28</u>	MOTION to Amend/Correct/Supplement <i>briefing schedule</i> by James F. Amos, The United States Department of Defense, The United States Department of the Navy, The United States Marine Corps, The United States Naval Criminal Investigative Service. (Schachner, Elliot) (Entered: 07/28/2017)
07/31/2017		ELECTRONIC ORDER granting <u>28</u> Motion to Amend/Correct/Supplement. The Defendants' request to extend the briefing schedule is GRANTED. However, all parties are cautioned that no further extensions of time will be granted absent extraordinary circumstances. So Ordered by Magistrate Judge Anne Y. Shields on 7/31/2017. (Demosthenous, Dina) (Entered: 07/31/2017)
10/18/2017	<u>29</u>	Letter MOTION for Extension of Time to File Response/Reply / <i>Letter dated October 18, 2017 from Michael Bowe to Magistrate Judge Shields requesting a brief extension to file reply brief</i> by Gregory Buckley, Sr, Mary Liz Grosseto. (Bowe, Michael) (Entered: 10/18/2017)
10/19/2017		ELECTRONIC ORDER granting <u>29</u> Motion for Extension of Time to File Response/Reply. The parties' request to modify the briefing schedule is GRANTED. So Ordered by Magistrate Judge Anne Y. Shields on 10/19/2017. (Demosthenous, Dina) (Entered: 10/19/2017)
10/23/2017	<u>30</u>	RESPONSE in Opposition re <u>23</u> Letter MOTION for Discovery / <i>Setting briefing schedule on plaintiffs' discovery motion -- memorandum in opposition to motion and appendices to memorandum</i> filed by James F. Amos, The United States Department of Defense, The United States Department of the Navy, The United States Marine Corps, The United States Naval Criminal Investigative Service. (Attachments: # <u>1</u> Appendix, # <u>2</u> Appendix, # <u>3</u> Appendix, # <u>4</u> Appendix, # <u>5</u> Appendix) (Schachner, Elliot) (Entered: 10/23/2017)
10/23/2017	<u>31</u>	MOTION to Compel by Gregory Buckley, Sr, Mary Liz Grosseto. (Attachments: # <u>1</u> Plaintiffs' Memorandum of Law in Support of their Motion to Compel Discovery, # <u>2</u> Declaration of Michael J. Bowe in Support of Plaintiffs' Motion to Compel Discovery, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4, # <u>7</u> Exhibit 5, # <u>8</u> Exhibit 6, # <u>9</u> Exhibit 7, # <u>10</u> Exhibit 8, # <u>11</u> Exhibit 9, # <u>12</u> Exhibit 10) (Bowe, Michael) (Entered: 10/23/2017)
10/23/2017	<u>32</u>	REPLY in Support re <u>31</u> MOTION to Compel / <i>Plaintiffs' Reply Memorandum of Law in Further Support of their Motion to Compel Discovery</i> filed by Gregory Buckley, Sr, Mary Liz Grosseto. (Bowe, Michael) (Entered: 10/23/2017)
10/24/2017	<u>33</u>	Letter <i>dated October 24. 2017 to Magistrate Judge Anne Y. Shields requesting oral argument on plaintiffs' motion to compel discovery</i> by Gregory Buckley, Sr, Mary Liz Grosseto (Bowe, Michael) (Entered: 10/24/2017)
11/30/2017	<u>34</u>	Letter <i>from Plaintiffs to the Court</i> by Gregory Buckley, Sr, Mary Liz Grosseto (Attachments: # <u>1</u> Exhibit 1 – Letter, # <u>2</u> Exhibit 2 – Letter, # <u>3</u> Exhibit 3 – DoD IG Report, # <u>4</u> Exhibit 4 – News Report) (Bowe, Michael) (Entered: 11/30/2017)
12/06/2017	<u>35</u>	Letter <i>in Response to Plaintiffs' Letter (Dkt. 34)</i> by James F. Amos, The United States Department of Defense, The United States Department of the Navy, The United States Marine Corps, The United States Naval Criminal Investigative Service (Schachner, Elliot) (Entered: 12/06/2017)
10/01/2018	<u>36</u>	MOTION to Amend/Correct/Supplement (<i>request to file supplemental submission concerning motion to compel discovery</i>) by James F. Amos, The United States Department of Defense, The United States Department of the Navy, The United States Marine Corps, The United States Naval Criminal Investigative Service. (Schachner, Elliot) (Entered: 10/01/2018)
10/03/2018		ELECTRONIC ORDER terminating <u>31</u> Motion to Compel; granting <u>36</u> Motion to Amend/Correct/Supplement. Defendants' motion to supplement their response to the Plaintiffs' Motion to Compel is GRANTED. Defendants shall serve and file their supplemental submission by November 2, 2018. Plaintiffs shall serve and file their supplemental response to Defendants' supplemental submission by November 30, 2018. For administrative purposes, the Clerk of the Court is respectfully directed to terminate docket entry No. <u>31</u> Plaintiffs' Motion to Compel, and to re-open it on November 1, 2018. The Plaintiffs need not re-file their motion. So Ordered by Magistrate Judge Anne Y. Shields on 10/3/2018. (Demosthenous, Dina) (Entered:

		10/03/2018)
11/02/2018	<u>37</u>	MEMORANDUM in Opposition (<i>Supplemental</i>) filed by All Defendants. (Attachments: # <u>1</u> Declaration) (Schachner, Elliot) (Entered: 11/02/2018)
11/30/2018	<u>38</u>	RESPONSE to Motion re <u>31</u> MOTION to Compel / <i>Plaintiffs' Supplemental Response In Further Support Of Their Motion To Compel Discovery</i> filed by Gregory Buckley, Sr, Mary Liz Grosseto. (Bowe, Michael) (Entered: 11/30/2018)